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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,348	03/02/2004	Dirk C. De Baer	XP-1172	2427
7590 THEODOER A. BREINER 115 North Henry Street PO Box 19290 Alexandria, VA 22320-0290	08/20/2007		EXAMINER BAKER, CHARLOTTE M	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,348	DE BAER, DIRK C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charlotte M. Baker	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>03/02/04;08/16/06</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because Fig. 4C, item 122 contains a misspelled word; ~~transform~~ replace "~~transform~~" with --transform--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

1. Claim 8 is objected to because of the following informalities: replace "converting the converting" with --converting--; insert a period at the end of claim 8. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

2. Claims 26-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer software product claimed is merely a set of instructions per se. Since the computer software product is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-10, 12-29 and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wen (US 2003/0184557 A1).

**Regarding claim 1:** Wen discloses converting source color data in a source color space (source color space, par. 19) to a destination image space (target color space, par. 19) to produce destination color data (par. 19); and applying color profile edits by enabling user changes to source color data (par. 19) to produce modified source color data and to the destination color data to produce modified destination color data (par. 19) and to a gamut mapping for converting the source color data to the destination color data (pars. 19 and 23).

**Regarding claim 2:** Wen satisfies all the elements of claim 1. Wen further discloses receiving a list of initial profile edits (par. 25).

**Regarding claim 3:** Wen satisfies all the elements of claim 1. Wen further discloses enabling user selection of a gamut map (pars. 23 and 25) for converting source color data to destination color data (pars. 19, 23 and 25).

**Regarding claim 4:** Wen satisfies all the elements of claim 3. Wen further discloses wherein the user selects a destination color space (pars. 19-25).

**Regarding claim 6:** Wen satisfies all the elements of claim 1. Wen further discloses enabling user selection of source color data profile edits, destination color data profile edits, and gamut map edits (pars. 19-25).

**Regarding claim 7:** Wen satisfies all the elements of claim 6. Wen further discloses applying the profile edits to the source color data (source), destination color data (target), and/or the gamut map (gamut map, Figs. 19-25).

**Regarding claim 8:** Wen satisfies all the elements of claim 6. Wen further discloses converting the source color data in a source color space (source color space, par. 19) to a destination image color space (Fig. 19, target color space) to produce the destination color data using the gamut map (pars. 19-25).

**Regarding claim 9:** Wen satisfies all the elements of claim 6. Wen further discloses wherein the source color data profile edits comprise **at least one** of selective color profile, global mapping, and gamut mapping profile edits (pars. 19-25 and 47).

**Regarding claim 10:** Wen satisfies all the elements of claim 6. Wen further discloses wherein the destination color data profile edits comprise at least one of single conversion, color ramp curves, shadow contrast, and black replacement profile edits (pars. 19-25 and 47).

**Regarding claim 12:** Wen discloses modifying the source color data in a source color space (par. 19, source color space) to implement a profile edit to generate modified source color data (pars. 19-25); and then converting the modified source color data to a destination image space (par. 19, target color space) to produce the destination color data (pars. 19-25).

**Regarding claim 13:** Wen satisfies all the elements of claim 12. Arguments analogous to those stated in the rejection of claim 2 are applicable.

**Regarding claim 14:** Wen satisfies all the elements of claim 12. Arguments analogous to those stated in the rejection of claim 3 are applicable.

**Regarding claim 15:** Wen satisfies all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 5 are applicable.

**Regarding claim 16:** Wen satisfies all the elements of claim 12. Arguments analogous to those stated in the rejection of claim 6 are applicable.

**Regarding claim 17:** Wen satisfies all the elements of claim 16. Arguments analogous to those stated in the rejection of claim 7 are applicable.

**Regarding claim 18:** Wen satisfies all the elements of claim 12. Arguments analogous to those stated in the rejection of claim 9 are applicable.

**Regarding claim 19:** Wen satisfies all the elements wherein the source color data profile edits comprise at least two of selective color profile, global mapping, and gamut mapping profile edits (pars. 19-25 and 47).

**Regarding claim 20:** Wen modifying a gamut map to produce a modified gamut map to implement a profile edit (pars. 23 and 25); and converting the source color data in a source color space (par. 19, source color space) to a destination image space (par. 19, target color space) to produce the destination color data using the modified gamut map (pars. 19-25 and 47).

**Regarding claim 21:** Wen satisfies all the elements of claim 20. Arguments analogous to those stated in the rejection of claim 2 are applicable.

**Regarding claim 22:** Wen satisfies all the elements of claim 20. Arguments analogous to those stated in the rejection of claim 3 are applicable.

**Regarding claim 23:** Wen satisfies all the elements of claim 22. Arguments analogous to those stated in the rejection of claim 5 are applicable.

**Regarding claim 24:** Wen satisfies all the elements of claim 20. Arguments analogous to those stated in the rejection of claim 6 are applicable.

**Regarding claim 25:** Wen satisfies all the elements of claim 24. Wen further discloses further comprising applying the profile edits additionally to the source and destination color data (pars. 19-25 and 47).

**Regarding claim 26:** Arguments analogous to those stated in the rejection of claim 1 are applicable. A computer readable medium storing a computer program is inherently taught as

evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 27:** Wen satisfies all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 2 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 28:** Wen satisfies all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 3 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 29:** Wen satisfies all the elements of claim 28. Arguments analogous to those stated in the rejection of claim 4 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 31:** Wen satisfies all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 7 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 32:** Wen satisfies all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 8 are applicable. A computer readable medium storing a

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computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 33:** Wen satisfies all the elements of claim 28. Arguments analogous to those stated in the rejection of claim 9 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 34:** Wen satisfies all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 10 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 11, 30 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Wen in view of Walker et al. (6,967,746).

**Regarding claim 5:** Wen satisfies all the elements of claim 3.

Wen fails to specifically address converting the selected gamut map to a look-up table form.

Walker et al. disclose converting the selected gamut map to a look-up table form (col. 7, ln. 7-29 and col. 8, ln. 6-31).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include converting the selected gamut map to a look-up table form in order to yield a more superior result as compared to generic gamut mapping as taught by Walker et al. (col. 7, ln. 7-16).

**Regarding claim 11:** Wen satisfies all the elements of claim 6. Wen further discloses wherein the gamut map profile edits.

Wen fails to specifically address comprise look up table changes.

Walker et al. disclose comprise look up table changes (col. 7, ln. 7-29 and col. 8, ln. 6-31).

**Regarding claim 30:** Wen satisfies all the elements of claim 28. Arguments analogous to those stated in the rejection of claim 5 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

**Regarding claim 35:** Wen satisfies all the elements of claim 28. Arguments analogous to those stated in the rejection of claim 11 are applicable. A computer readable medium storing a computer program is inherently taught as evidenced by the computer used to display image diagrams as shown in Fig. 1 as an example and various memories stored therein.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilman et al. (6,473,199); Balonon-Rosen et al. (6,307,961).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*CMB*  
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PRIMARY PATENT EXAMINER